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**ARTICLE 10 AS AMENDED**

RELATING TO EDUCATION

SECTION 1. Sections 16-7-16, 16-7-20 and 16-7-40 of the General Laws in Chapter 16-7 entitled "Foundation Level School Support" are hereby amended to read as follows:

**16-7-16. Definitions.**

The following words and phrases used in §§ 16-7-15 to 16-7-34 have the following meanings:

(1) "Adjusted equalized weighted assessed valuation" means the equalized weighted assessed valuation of a community as determined by the department of revenue or as apportioned by the commissioner pursuant to the provisions of § 16-7-21.

(2)(i) "Average daily membership" means the average number of pupils in a community during a school year as determined pursuant to the provisions of § 16-7-22, less any students who are served in a program operated by the state and funded through the permanent foundation education aid formula pursuant to chapter 7.2 of this title.

(ii) For FY 2022, "average daily membership" means the greater of the average number of pupils in a community during a school year as determined pursuant to the provisions of § 16-7-22 in March 2020 or March 2021, less any students who are served in a program operated by the state and funded through the permanent foundation education aid formula pursuant to chapter 7.2 of this title. State aid to charter public schools, Davies, and the Met Center shall be determined based on the districts of residence in whichever year had the greater total average daily membership.

(A) For the purposes of determining the number of students in poverty, the department shall divide the average daily membership of students reported as living in poverty in each district of residence by the total average daily membership of students enrolled in the district of residence in both March 2020 and March 2021. The greater percentage shall be applied to the average daily membership used in the calculation of foundation education aid. For charter public schools, Davies, and the Met Center, the average daily membership of students reported as living in poverty shall be consistent with March 2020 or March 2021, whichever year had the greater total average daily membership.

(B) If the average daily membership in March 2020 is greater for any given community than in March 2021, the number of pupils shall be reduced by the number of students attending new

1 or expanding charter schools in FY 2022.

2 (iii) For FY 2023, "average daily membership" means the greater of the average number  
3 of pupils in a community during a school year as determined pursuant to the provisions of § 16-7-  
4 22 in March 2020, March 2021 or March 2022, less any students who are served in a program  
5 operated by the state and funded through the permanent foundation education aid formula pursuant  
6 to chapter 7.2 of this title. State aid to charter public schools, Davies, and the Met Center shall be  
7 determined based on the districts of residence in whichever year had the greater total average daily  
8 membership.

9 (A) For the purposes of determining the number of students in poverty, the department  
10 shall divide the average daily membership of students reported as living in poverty in each district  
11 of residence by the total average daily membership of students enrolled in the district of residence  
12 in March 2020, March 2021 and March 2022. The greater percentage shall be applied to the average  
13 daily membership used in the calculation of foundation education aid. For charter public schools,  
14 Davies, and the Met Center, the average daily membership of students reported as living in poverty  
15 shall be consistent with March 2020, March 2021 or March 2022, whichever year had the greater  
16 total average daily membership.

17 (B) If the average daily membership in March 2020 is greater for any given community  
18 than in March 2021 and March 2022, the number of pupils shall be reduced by the number of  
19 students attending new or expanding charter schools in FY 2022 and FY 2023.

20 (C) If the average daily membership in March 2021 is greater for any given community  
21 than in March 2022, the number of pupils shall be reduced by the number of students attending new  
22 or expanding charter schools in FY 2023.

23 (iv) Notwithstanding subsection (2)(iii) above, for FY 2023 only, for any local education  
24 agency in which the calculation of aid under subsection (2)(i) of this section and § 16-7-20(a) would  
25 be greater than the calculation of aid under subsection (2)(iii) of this section, such local education  
26 agency shall receive an additional appropriation equivalent to twenty percent (20%) of the  
27 difference in aid that would have been received under subsection (2)(i) of this section. The  
28 additional appropriation shall be as follows:

29 Barrington - \$302,169

30 East Greenwich - \$148,478

31 Exeter - \$106,335

32 North Smithfield - \$30,508

33 Richmond - \$502

34 Smithfield - \$75,374

1 [Beacon Charter School -\\$22,731](#)

2 [Blackstone Academy - \\$11,212](#)

3 [Village Green Charter School - \\$1,073](#)

4 [Davies Career and Technical School - \\$2,808](#)

5 (3) "Basic education program" means the cost of education of resident pupils in grades  
6 twelve (12) and below in average daily membership for the reference year as determined by the  
7 mandated minimum program level.

8 (4) "Certified personnel" means all persons who are required to hold certificates issued by  
9 or under the authority of the council on elementary and secondary education.

10 (5) "Community" means any city, town, or regional school district established pursuant to  
11 law and/or the department of children, youth and families; provided, however, that the department  
12 of children, youth and families shall not have those administrative responsibilities and obligations  
13 as set forth in chapter 2 of this title; provided, however, that the member towns of the Chariho  
14 regional high school district, created by P.L. 1958, ch. 55 as amended, shall constitute separate and  
15 individual communities for the purpose of determining and distributing the foundation level school  
16 support including state aid for noncapital excess expenses for the special education of children with  
17 disabilities provided for in § 16-24-6 for all grades financed in whole or in part by the towns  
18 irrespective of any regionalization and any school operated by the state department of elementary  
19 and secondary education.

20 (6) "Department of children, youth and families" means that department created pursuant  
21 to chapter 72 of title 42. For purposes of this section, §§ 16-7-20, 16-24-2, and 42-72-5(b)(22),  
22 "children" means those children who are placed, assigned, or otherwise accommodated for  
23 residence by the department of children, youth and families in a state operated or supported  
24 community residence licensed by a state agency and the residence operates an educational program  
25 approved by the department of elementary and secondary education.

26 (7) "Equalized weighted assessed valuation" means the equalized weighted assessed  
27 valuation for a community as determined by the division of property valuation pursuant to the  
28 provisions of § 16-7-21.

29 (8) "Full time equivalency students" means the time spent in a particular activity divided  
30 by the amount of time in a normal school day.

31 (9) "Incentive entitlement" means the sum payable to a local school district under the  
32 formula used.

33 (10) "Mandated minimum program level" means the amount that shall be spent by a  
34 community for every pupil in average daily membership as determined pursuant to the provisions

1 of § 16-7-18.

2 (11) "Reference year" means the next year prior to the school year immediately preceding  
3 that in which the aid is to be paid. For the purposes of calculating the permanent foundation  
4 education formula aid as described in § 16-7.2-3, the reference date shall be one year prior to the  
5 year in which aid is paid.

6 (12) "Regularly employed" and "service" as applied to certified personnel have the same  
7 meaning as defined in chapter 16 of this title.

8 **16-7-20. Determination of state's share.**

9 (a) For each community the state's share shall be computed as follows: Let

10  $R$ =state share ratio for the community.

11  $v$ =adjusted equalized weighted assessed valuation for the community, as defined in § 16-  
12 7-21(3).

13  $V$ =sum of the values of  $v$  for all communities.

14  $m$ =average daily membership of pupils in the community as defined in § 16-7-22(3).

15  $M$ =total average daily membership of pupils in the state.

16  $E$ =approved reimbursable expenditures for the community for the reference year minus the  
17 excess costs of special education, tuitions, federal and state receipts, and other income.

18 Then the state share entitlement for the community shall be  $RE$  where

19  $R = 1 - 0.5vM/(Vm)$  through June 30, 2011, and  $R = 1 - 0.475 vM/(Vm)$  beginning on  
20 July 1, 2011 and thereafter. Except that in no case shall  $R$  be less than zero percent (0%).

21 (b) Whenever any funds are appropriated for educational purposes, the funds shall be used  
22 for educational purposes only and all state funds appropriated for educational purposes must be  
23 used to supplement any and all money allocated by a city or town for educational purposes and in  
24 no event shall state funds be used to supplant, directly or indirectly, any money allocated by a city  
25 or town for educational purposes. The courts of this state shall enforce this section by writ of  
26 mandamus.

27 (c) Notwithstanding the calculations in subsection (a), the hospital school at the Hasbro  
28 Children's Hospital shall be reimbursed one hundred percent (100%) of all expenditures approved  
29 by the council on elementary and secondary education in accordance with currently existing rules  
30 and regulations for administering state aid, and subject to annual appropriations by the general  
31 assembly including, but not limited to, expenditures for educational personnel, supplies, and  
32 materials in the prior fiscal year.

33 (d) In the event the computation of the state's share for any local education agency as  
34 outlined in subsection (a) is determined to have been calculated incorrectly after the state budget

1 for that fiscal year has been enacted, the commissioner of elementary and secondary education shall  
2 notify affected local education agencies, the senate president, and the speaker of the house within  
3 fifteen (15) days of the determination.

4 (e) Realignment of aid payments to the affected local education agencies pursuant to  
5 subsection (d) shall occur in the following fiscal year:

6 (1) If the determination shows aid is underpaid to the local education agency, any amounts  
7 owed shall be paid in equal monthly installments.

8 (2) If the determination shows aid was overpaid, the department of elementary and  
9 secondary education shall recapture some amount of the aid from the overpaid local education  
10 agency. The amount to be withheld shall be equal to the amount of the overpayment prorated to the  
11 number of full months remaining in the fiscal year when the notification required in subsection (d)  
12 was made.

13 (f) The above notwithstanding, in no event shall the total paid to a local education agency  
14 in the 2023 fiscal year pursuant to subsection (a), above, be reduced as a result of the  
15 implementation of subsection (e), above; provided, however, that for the 2022 fiscal year, the full  
16 amount of any payment due to an underpayment and realignment under subsection (e)(1), above,  
17 shall be made for fiscal year 2022.

18 (g) Data used for the calculation of the FY 2022 state share ratio shall also be used for the  
19 calculation of the FY 2023 state share ratio.

20 **16-7-40. Increased school housing ratio.**

21 (a)(1) In the case of regional school districts, the school housing aid ratio shall be increased  
22 by two percent (2%) for each grade so consolidated.

23 (2) Regional school districts undertaking renovation project(s) shall receive an increased  
24 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined share  
25 ratio calculated in § 16-7-39 and this subsection.

26 (b) In the case of projects undertaken by districts specifically for the purposes of school  
27 safety and security, the school housing aid share ratio shall be increased by five percent (5%) for  
28 these specific projects only, in the calculation of school housing aid. The increased share ratio shall  
29 continue to be applied for as long as the project(s) receives state housing aid. In order to qualify for  
30 the increased share ratio, seventy-five percent (75%) of the project costs must be specifically  
31 directed to school safety and security measures. The council on elementary and secondary  
32 education shall promulgate rules and regulations for the administration and operation of this  
33 section.

34 (c) For purposes of addressing health and safety deficiencies as defined by the school

1 building authority, including the remediation of hazardous materials, the school housing aid ratio  
2 shall be increased by five percent (5%) so long as the construction of the project commences by  
3 December 30, ~~2022~~ 2023, is completed by December 30, ~~2027~~ 2028, and a two hundred fifty  
4 million dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot.

5 In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a  
6 minimum of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

7 (d) For purposes of educational enhancement, including projects devoted to the  
8 enhancement of early childhood education and career and technical education, the school housing  
9 aid ratio shall be increased by five percent (5%) so long as construction of the project commences  
10 by December 30, ~~2022~~ 2023, is completed by December 30, ~~2027~~ 2028, and a two hundred fifty  
11 million dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot.  
12 In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a  
13 minimum of five hundred thousand dollars (\$500,000) must be specifically directed to these  
14 purposes.

15 (e) For replacement of a facility that has a facilities condition index of sixty-five percent  
16 (65%) or higher, the school housing ratio shall be increased by five percent (5%) so long as  
17 construction of the project commences by December 30, 2023, is completed by December 30, 2028,  
18 does not receive a bonus pursuant to subsection (f) or subsection (g), and a two hundred fifty million  
19 dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot. In order  
20 to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum  
21 of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

22 (f) For any new construction or renovation that increases the functional utilization of any  
23 facility from less than sixty percent (60%) to more than eighty percent (80%), including the  
24 consolidation of school buildings within or across districts, the school housing aid ratio shall be  
25 increased by five percent (5%) so long as construction of the project commences by December 30,  
26 2023, is completed by December 30, 2028, and a two hundred fifty million dollar (\$250,000,000)  
27 general obligation bond is approved on the November 2018 ballot. In order to qualify for the  
28 increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred  
29 thousand dollars (\$500,000) must be specifically directed to this purpose.

30 (g) For any new construction or renovation that decreases the functional utilization of any  
31 facility from more than one hundred twenty percent (120%) to between eighty-five percent (85%)  
32 to one hundred five percent (105%), the school housing ratio shall be increased by five percent  
33 (5%) so long as construction of the project commences by December 30, 2023, is completed by  
34 December 30, 2028, and a two hundred fifty million dollar (\$250,000,000) general obligation bond

1 is approved on the November 2018 ballot. In order to qualify for the increased share ratio, twenty-  
2 five percent (25%) of the project costs or a minimum of five hundred thousand dollars (\$500,000)  
3 must be specifically directed to this purpose.

4 (h) For consolidation of two (2) or more school buildings, within or across districts into  
5 one school building, the school housing aid ratio shall be increased by five percent (5%) so long as  
6 construction of the project commences by December 30, 2023, is completed by December 30, 2028,  
7 a two hundred fifty million dollar (\$250,000,000) general obligation bond is approved on the  
8 November 2018 ballot, and does not receive a bonus pursuant to subsection (f) or subsection (g).  
9 In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a  
10 minimum of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

11 (i) Any regionalized and/or non-regionalized school district receiving an increased share  
12 ratio for a project approved prior to July 1, 2018, shall continue to receive the increased share ratio  
13 for as long as the project receives state housing aid.

14 SECTION 2. Section 16-7.2-3 of the General Laws in Chapter 16-7.2 entitled "The  
15 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

16 **16-7.2-3. Permanent foundation education aid established.**

17 (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula shall  
18 take effect. The foundation education aid for each district shall be the sum of the core instruction  
19 amount in subdivision (a)(1) and the amount to support high-need students in subdivision (a)(2),  
20 which shall be multiplied by the district state-share ratio calculated pursuant to § 16-7.2-4 to  
21 determine the foundation aid.

22 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-  
23 instruction amount as established by the department of elementary and secondary education,  
24 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
25 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics  
26 (NCES) that will adequately fund the student instructional needs as described in the basic education  
27 program and multiplied by the district average daily membership as defined in § 16-7-22.  
28 Expenditure data in the following categories: instruction and support services for students,  
29 instruction, general administration, school administration, and other support services from the  
30 National Public Education Financial Survey, as published by NCES, and enrollment data from the  
31 Common Core of Data, also published by NCES, will be used when determining the core-  
32 instruction amount. The core-instruction amount will be updated annually. For the purpose of  
33 calculating this formula, school districts' resident average daily membership shall exclude charter  
34 school and state-operated school students.

1 (2) The amount to support high-need students beyond the core-instruction amount shall be  
2 determined by multiplying a student success factor of forty percent (40%) by the core instruction  
3 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child  
4 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty  
5 guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as part of its budget  
6 submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the department of  
7 elementary and secondary education shall develop and utilize a poverty measure that in the  
8 department's assessment most accurately serves as a proxy for the poverty status referenced in this  
9 subsection and does not rely on the administration of school nutrition programs. The department  
10 shall utilize this measure in calculations pursuant to this subsection related to the application of the  
11 student success factor, in calculations pursuant to § 16-7.2-4 related to the calculation of the state  
12 share ratio, and in the formulation of estimates pursuant to subsection (b) below. The department  
13 may also include any recommendations which seek to mitigate any disruptions associated with the  
14 implementation of this new poverty measure or improve the accuracy of its calculation.

15 (b) The department of elementary and secondary education shall provide an estimate of the  
16 foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate  
17 shall include the most recent data available as well as an adjustment for average daily membership  
18 growth or decline based on the prior year experience.

19 (c) In addition, the department shall report updated figures based on the average daily  
20 membership as of October 1 by December 1.

21 (d) Local education agencies may set aside a portion of funds received under subsection  
22 (a) to expand learning opportunities such as after school and summer programs, full-day  
23 kindergarten and/or multiple pathway programs, provided that the basic education program and all  
24 other approved programs required in law are funded.

25 (e) The department of elementary and secondary education shall promulgate such  
26 regulations as are necessary to implement fully the purposes of this chapter.

27 SECTION 3. Section 16-87-4 of the General Laws in Chapter 16-87 entitled "Rhode Island  
28 Prekindergarten Education Act" is hereby amended to read as follows:

29 **16-87-4. Early childhood workforce development.**

30 (a) The Rhode Island department of elementary and secondary education shall work with  
31 other state departments and private philanthropy to establish a statewide, comprehensive, research-  
32 based early childhood workforce development scholarship program to expand the numbers of early  
33 childhood educators who have an associate's or bachelor's degree in early childhood education and  
34 who work with children from birth to age five (5).

1 (b)(1) In furtherance of the goals set forth in this chapter, no later than January 1, 2023, the  
2 governor's workforce board shall convene a working group comprised of representatives from the  
3 department of elementary and secondary education, department of human services, office of the  
4 postsecondary commissioner, the RI early learning council, organized labor and early childhood  
5 education industry employers, whose purpose shall be to identify barriers to entry into the early  
6 childhood education workforce, and to design accessible and accelerated pathways into the  
7 workforce, including, but not limited to, registered apprenticeships and postsecondary credit for  
8 prior work experience.

9 (2) No later than April 1, 2023, the working group shall provide the general assembly with  
10 recommendations for addressing the barriers to workforce entry and implementing the solutions  
11 identified by the working group; the recommendations shall outline any administrative and  
12 legislative action that would be required by participating agencies to implement the  
13 recommendations.

14 SECTION 4. Chapter 16-87 of the General Laws entitled "Rhode Island Prekindergarten  
15 Education Act" is hereby amended by adding thereto the following sections:

16 **16-87-6. Planning for prekindergarten expansion.**

17 On or before December 31, 2022, the department of elementary and secondary education,  
18 in collaboration with the department of human services and the children's cabinet, as established  
19 in § 45-72.5, shall submit to the governor, speaker of the house, president of the senate, and chairs  
20 of house and senate finance and education committees, an annual growth plan to expand the state  
21 prekindergarten program to five thousand (5,000) seats, for three- and four-year-old children, over  
22 five (5) years, beginning in FY 2024, as well as recommendations for achieving universal  
23 prekindergarten in the state. The growth plan shall detail annual targets and projected funding  
24 needs, as well as how the state will:

25 (a) Equitably distribute prekindergarten funding to eligible providers;

26 (b) Ensure that access to infant and toddler care is not at risk as the state prekindergarten  
27 program is expanded;

28 (c) Prepare, recruit and retain a highly-qualified early childhood workforce, including  
29 adequate wages for early childhood educators, regardless of setting;

30 (d) Build capacity among new and existing providers to ensure quality standards are met  
31 in all settings; and,

32 (e) Ensure providers in the mixed-delivery system have sufficient facilities to expand  
33 access to high-quality prekindergarten services.

34 **16-87-7. Pre-kindergarten facilities.**

1 (a) No later than December 31, 2022, the department of human services shall provide the  
2 speaker of the house and president of the senate with a report on the status of disbursement and  
3 impact of capital funds made available by the early learning facilities general obligation bond  
4 approved on March 2, 2021.

5 (b) The departments of elementary and secondary education and human services may also  
6 provide recommendations for programs and initiatives to ensure that early childhood education  
7 providers utilize facilities that meet licensing and facilities standards, in order to increase access to  
8 high-quality prekindergarten learning environments. Programs and initiatives may include, but  
9 shall not be limited to:

10 (1) Grant programs for facility planning and/or emergency facility maintenance;

11 (2) Establishing strategic partnerships between local education agencies and community-  
12 based early learning providers to make use of available space in existing facilities; and/or

13 (3) Technical assistance for providers to access capital, navigate licensing standards for  
14 facilities, and/or begin the facility improvement and development processes.

15 SECTION 5. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by  
16 adding thereto the following chapter:

17 CHAPTER 87.1

18 EARLY CHILDHOOD GOVERNANCE WORKING GROUP

19 **16-87.1-1. Early childhood governance working group.**

20 (a) There shall be created an early childhood governance working group ("the working  
21 group") consisting of:

22 (1) The director of the department of human services, or designee;

23 (2) The commissioner of the department of education, or designee;

24 (3) The commissioner of postsecondary education, or designee;

25 (4) The director of the department of health, or designee;

26 (5) The director of the department of administration, or designee;

27 (6) Chair of the children's cabinet, who shall be responsible for convening the working  
28 group; and

29 (7) The executive director of RI Kids Count, or designee.

30 (b) The working group shall convene any necessary subgroups of working group members  
31 and other stakeholders to inform and complete the early childhood governance recommendations  
32 required under this section.

33 (c) On or before October 1, 2023, the working group shall submit a report to the governor,  
34 speaker of the house, president of the senate, and chairs of house and senate finance and education

1 committees, that shall include recommendations regarding the governance of early childhood  
2 programs in the state. The recommendations shall address, but need not be limited to:

3 (1) The coordination and administration of early childhood programs and services;

4 (2) The governance and organizational structure of early childhood programs and services,  
5 including whether, and under what circumstances, the state should consider unifying early  
6 childhood programs under one state agency;

7 (3) The fiscal structure of proposed recommendations; and

8 (4) The implementation of early childhood data systems, for strategic planning, program  
9 implementation and program evaluation.

10 (d) Staff of the children's cabinet shall provide assistance in completing the duties of the  
11 working group identified in this section.

12 (e) The RI early learning council shall serve as an advisory body to the working group.

13 SECTION 6. Section 16-107-5 of the General Laws in Chapter 16-107 entitled "Rhode  
14 Island Promise Scholarship" is hereby amended to read as follows:

15 **16-107-5. Administration of scholarship program.**

16 (a) The financial aid office, in conjunction with the office of enrollment management or  
17 their respective equivalent offices, at the community college of Rhode Island, shall administer the  
18 scholarship program for state residents seeking associate degrees who meet the eligibility  
19 requirements in this chapter.

20 (b) An award of the scholarship program shall cover the cost of two (2) years of tuition and  
21 mandatory fees, less federal and all other financial aid monies available to the recipient student. No  
22 grant received by students from the College Crusade Scholarship Act as established in chapter 70  
23 of title 16 shall be considered federal or financial aid for the purposes of this chapter.

24 (c) The scholarship program is limited to one award per student as required by § 16-107-  
25 6(a)(7).

26 SECTION 7. This Article shall take effect upon passage.